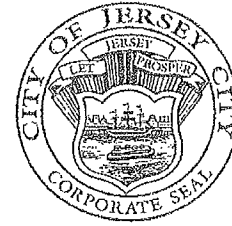


City Clerk File No. Ord. 18-057

Agenda No. 3.G. 1st Reading

Agenda No. 4.F. 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE *18-057*

**TITLE:** AN ORDINANCE (1) REAFFIRMING THE ACCEPTANCE OF THE KATYN FOREST MASSACRE MEMORIAL AS A GIFT TO THE CITY FROM THE KATYN FOREST MASSACRE MEMORIAL COMMITTEE, INC.; (2) RESCINDING ORDINANCE MCC-299 WHICH APPROVED THE PLACEMENT OF THE KATYN FOREST MASSACRE MEMORIAL ON THE MEDIAN STRIP DIRECTLY OPPOSITE 75 MONTGOMERY STREET WEST OF THE INTERSECTION OF MONTGOMERY STREET & WASHINGTON STREET; (3) RELOCATING THE KATYN FOREST MASSACRE MEMORIAL TO THE EASTERN TERMINUS OF YORK STREET FOR 99 YEARS AND (4) AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE KATYN FOREST MASSACRE MEMORIAL COMMITTEE, INC. ALLOWING THE COMMITTEE TO PARTNER WITH THE CITY IN STEWARDSHIP OF THE MEMORIAL AT THE EASTERN TERMINUS OF YORK STREET

### THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY DOES ORDAIN:

**WHEREAS**, on September 25, 1986, the Municipal Council approved Ordinance McC-299 accepting the Katyn Forest Massacre Memorial ("Memorial") as a gift to the City from the Katyn Forest Massacre Memorial Committee, Inc. ("Committee"); and

**WHEREAS**, Ordinance McC-299, attached hereto as Exhibit "A", specified that the Memorial would be installed on the median strip opposite 75 Montgomery Street just west of the intersection of Montgomery Street and Washington Street; and

**WHEREAS**, the sheer size of the Memorial made installing it at this location impossible; and

**WHEREAS**, on April 13, 1989, without having rescinded Ordinance McC-299, the Municipal Council approved Resolution C-4271, attached hereto as Exhibit "B", and which specified that the Memorial would be installed in the Exchange Place Plaza directly across from the southern entrance to the Exchange Place PATH Station; and

**WHEREAS**, the Memorial was never installed where the Resolution dictated it should go either but rather the Memorial was installed at the eastern terminus of Exchange Place Plaza instead; and

**WHEREAS**, the Municipal Council never approved installation of the Memorial at the eastern terminus of Exchange Place Plaza nor did it ever rescind Ordinance McC-299 but nonetheless the Memorial has stood in its current location since 1989; and

**WHEREAS**, due to the need to improve the existing public right of way at Exchange Place, including improvements to the public walkway and the plaza at the foot of Exchange Place, the Memorial needs to be relocated; and

**WHEREAS**, the City wishes to ensure that the Memorial will be preserved and placed in a location more befitting its significance; and

**WHEREAS**, the City, in consultation with various interested parties, including the Polish American community, worked together to determine a more suitable location in which to display the Memorial and thus better educate the public about the horrific event it commemorates; and



**WHEREAS**, the City, in collaboration with the Polish American community, determined that the eastern terminus of York Street (the York Street Site) would be the best location for those visiting the Memorial to experience the Memorial in a more meditative space and develop a more meaningful appreciation of this tragic event; and

**WHEREAS**, the York Street Site, depicted on the Tax Map and in the Aerial Photograph attached hereto as Exhibit "C" and "D" respectively, will be a superior site for the Memorial and provide a more prominent, appropriate and permanent site in which to display it; and

**WHEREAS**, once the Memorial has been relocated, the City will enter into an agreement with the Katyn Forest Massacre Memorial Committee, Inc. allowing the Committee to partner with the City in providing stewardship over the Memorial.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that (1) the City reaffirms its acceptance of the Katyn Forest Massacre Memorial as a gift to the City from the Katyn Forest Massacre Memorial Committee, Inc.; (2) the Municipal Council hereby rescinds Ordinance McC-299; (3) the Municipal Council hereby approves the relocation of the of the Katyn Forest Massacre Memorial to the eastern terminus of York Street for 99 years, as permitted by law, and (4) authorizes the City to enter into an with the Katyn Forest Massacre Memorial Committee, Inc. once the Memorial has been relocated, allowing the Committee to partner with the City in providing stewardship over the Memorial, subject to the terms of the agreement which have yet to be negotiated.

- I. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- II. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- III. This ordinance shall take effect at the time and in the manner as provided by law.
- IV. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

**NOTE:** All material is new. Therefore, underlining has been omitted.

APPROVED AS TO LEGAL FORM

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_  
Business Administrator

Certification Required ☐

Not Required ☐

**ORDINANCE FACT SHEET**

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

**Full Title of Ordinance**

AN ORDINANCE (1) REAFFIRMING THE ACCEPTANCE OF THE KATYN FOREST MASSACRE MEMORIAL AS A GIFT TO THE CITY FROM THE KATYN FOREST MASSACRE MEMORIAL COMMITTEE, INC.; (2) RESCINDING ORDINANCE MCC-299 WHICH APPROVED THE PLACEMENT OF THE KATYN FOREST MASSACRE MEMORIAL ON THE MEDIAN STRIP DIRECTLY OPPOSITE 75 MONTGOMERY STREET WEST OF THE INTERSECTION OF MONTGOMERY STREET & WASHINGTON STREET; (3) RELOCATING THE KATYN FOREST MASSACRE MEMORIAL TO THE EASTERN TERMINUS OF YORK STREET FOR 99 YEARS AND (4) AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE KATYN FOREST MASSACRE MEMORIAL COMMITTEE, INC. ALLOWING THE COMMITTEE TO PARTNER WITH THE CITY IN STEWARDSHIP OF THE MEMORIAL AT THE EASTERN TERMINUS OF YORK STREET

**Initiator**

|                            |                                       |                                      |
|----------------------------|---------------------------------------|--------------------------------------|
| <b>Department/Division</b> | Department of Business Administration | Office of the Business Administrator |
| <b>Name/Title</b>          | Brian D. Platt                        | Business Administrator               |
| <b>Phone/email</b>         | 201-547-4513                          | bplatt@jcnj.org                      |

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Ordinance Purpose**

The ordinance reaffirms the Memorial as a Gift to the City, allows its relocation to the eastern terminus of York Street for 99 years and allows the Katyn Forest Massacre Memorial Committee, Inc. to enter into an agreement with the City to be a partner in stewardship over the Memorial.

I certify that all the facts presented herein are accurate.

  
\_\_\_\_\_

**Brian D. Platt**  
**Business Administrator**

May 22, 2018

**Date**